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TECH

Tesla rolled out a new attendance policy for hourly workers this month — read it here

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KEY POINTS

After laying off at least 9 percent of its workforce, Tesla implemented a new attendance policy for all hourly workers in the U.S.

Tesla is trying to ramp up production of its Model 3 electric sedans, while curbing inefficiency at its factories.

CEO Elon Musk previously promised investors that Tesla would achieve profitability in 2018.



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[Tesla](#) rolled out a new attendance policy for all U.S.-based hourly employees on July 1st, according to documentation shared with CNBC. The policy spells out specific penalties for lapses in attendance, and Tesla says it is meant to make it fairer – for instance, employees who are 10 minutes late won't be penalized as harshly as those who are one hour late.

The changes to Tesla's attendance policy come weeks after the electric vehicle maker [announced plans](#) to slash its global workforce by as little as 10 percent, or about 4,000 workers. The company is pushing hard to ramp up the production of its Model 3 electric sedans, and to achieve positive cash flow and profitability in the second half of this year.

Among other things, the policy says that managers can give workers demerits for showing up even one minute late to a scheduled shift, or leaving just one minute before the shift's official end, without permission. If employees rack up a certain number of these demerits, called "occurrences" internally, their employment will be terminated. Newer employees get fewer chances than those who have worked at Tesla for more than three months.



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As an example, a long-time worker could be fired after nine occurrences of showing up five minutes late. That same worker might get only five chances to show up an hour late.

In addition, workers can be required on short notice to work overtime for “critical business needs” when “directed by Vice President level [managers] or higher.”

Hourly employees include workers in Tesla’s factories, call centers, service centers and roadside assistance groups, among others.

Tesla told CNBC, “Based on employee feedback, we’ve recently updated our attendance policy to be more fair and flexible. We’re appreciative of the hard work by our production teams, and regularly review policies to work for our employees. The policy update has been in the works for nearly two months and is similar to what you would find at other companies.”

Here’s the new Tesla attendance policy in its entirety. (Formatting has been removed to protect source confidentiality.)

[TSLA_July_2018_attendance](#)



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Tesla

Attendance Policy General Statement

To maintain an efficient operation, it is critical that you be on time and present each scheduled day.

Unscheduled tardies or absences interfere with customer service and production and make the job harder for your colleagues.

You must have regular attendance to meet our customers' needs and the needs of our business.

Intent

The purpose of this policy is to establish a uniform procedure for employees at Tesla.

This policy is also designed to provide supervisory personnel with uniform guidelines for addressing attendance deficiencies and other attendance related issues.

Eligibility

All Tesla hourly employees working in the U.S. are covered under this policy. This policy supersedes any policy or program previously distributed to manage attendance. This policy is not meant to be all inclusive, and Tesla retains the right to change, suspend or interpret this policy within its sole discretion and without statement of cause justification.

Attendance Occurrence System

Attendance is based upon an occurrence system. After employees accumulate a specified number of occurrences, the company may take disciplinary action, up to and including termination of employment.

Employees will receive one-half (.5) attendance occurrence for



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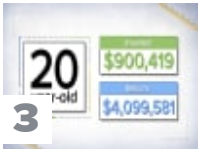
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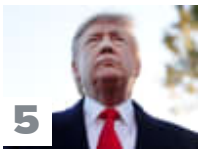
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Powering a Revolution

At Tesla Motors, ensuring the electric-car maker's unique vision and mission are carried out requires a whole new approach to HR.

By Andrew R. McIlvaine

Robert Damon describes himself as a "gas-guzzling Porsche driver" and "not an electric-car guy."

Even so, he's a big admirer of Tesla Motors, the Palo Alto, Calif.-based manufacturer of electric cars.

"I love Tesla Motors," says Damon, executive chairman for the Americas at Los Angeles-based Korn/Ferry International. "Tesla is perceived as a really good place to work -- it's an automotive company with all the characteristics of a high-tech company, and that's really cool."

Christopher Cabrera, meanwhile, is an electric-car guy -- in fact, he owns a black Tesla Model S sedan, and the superb customer service he received recently after emailing the company about a minor problem with it -- i.e., a Tesla employee showed up at his door an hour later with the keys to a brand new loaner car, drove Cabrera's car away and had it returned fixed and fully charged 24 hours later -- led him to write a post about it on his company's blog.

"The customer experience I had with Tesla is like nothing I've ever experienced before," says Cabrera, founder, president and CEO of Xactly, a 300-employee compensation-software provider in San Jose. "I'm a big fan of the company."

Damon and Cabrera are hardly alone in their high estimation of Tesla and its products: The Model S won the No. 1 spot earlier this year in a *Consumer Reports* automobile ranking of quality, reliability and customer satisfaction. Investors continue to snap up Tesla's stock, the price of which has soared from \$26 per share in 2010 to north of \$200 earlier this year. The 6,000-employee company anticipates selling at least 35,000 Model S units by the end of 2014, up substantially from previous years.

Founded by billionaire entrepreneur Elon Musk, Tesla doesn't just build cars -- it also manufactures electric power trains for other car companies, operates car-charging stations around the world and has a retail network for selling its vehicles directly to customers, unlike the independent-dealer model used by other carmakers. (Tesla's retail model has been challenged in court by traditional auto dealers in some states.) What's more, the company's operations will sprawl even farther within the next few years, once it opens a planned \$5 billion lithium-battery "giga-factory" at a soon-to-be-announced location.

CEO Musk has big plans for Tesla: Although the Model S retails for \$70,000, he plans to introduce a lower-priced model soon that will start at around \$30,000, putting the dream of owning an electric car within reach of a critical mass of consumers. Not surprisingly, staffing up for this initiative as well as the battery plant will entail some quick work on HR's part. Luckily, Arnon Geshuri, Tesla's HR leader, is no stranger to working at fast-paced start-ups: Prior to joining Tesla in 2009, he spent five years managing staffing and recruiting at Google as that company ballooned from 2,500 employees to more than 20,000.

One of Geshuri's most important tasks is, of course, finding and retaining the best talent for Tesla.

"If you fill the company up with the right people, anything is possible after that," he says.

Geshuri and his team also see their role as not only bringing the best people to Tesla, but ensuring they understand and embrace the firm's non-hierarchical, fast-paced culture, where longer-than-average workdays and constant change are the norm. They also want to create an HR department that's as innovative as the company it serves.

Quiet, Yet Intense

Tesla Motors produces electric cars, but -- as a company -- could be described as a bit of a hybrid: It's a mass-production automaker that's also a Silicon Valley technology start-up. The lobby of Tesla's Spartan headquarters complex -- a former Hewlett-Packard facility nestled in the foothills of the coastal mountain range lying between Silicon Valley and the Pacific Ocean -- features a wall-mounted flat-screen "Supercharger Dashboard" with real-time statistics on the number of Tesla cars that were charged at charging stations within the most recent seven-day period and the gallons of gas that were offset.

"Traditional car-company people who may be tired of legacy car companies and millennials are both attracted to this sense of mission that Tesla has," says Damon.

At Tesla's 5.5-million-square-foot car-assembly plant in nearby Fremont, where the concrete floors practically sparkle from being buffed regularly by Zamboni machines, the difference between it and other industrial companies becomes clearer. The facility is flooded with natural light that pours not only through skylights the company installed, but through windows that used to be covered over in gray paint when the facility was a joint operation owned by General Motors and Toyota.

The factory's employee-break areas -- pleasantly appointed spaces filled with plants and easy chairs, and stocked with free coffee, soda and snacks -- are more akin to what you'd expect to find at a lavishly funded tech start-up than an industrial plant. Out on the factory floor, it's eerily quiet, even though hundreds of workers are laboring to assemble cars, with the help of enormous German-made robots that lift and rotate chassis as if they're weightless.

Back at headquarters, it's also pretty quiet -- although there's a low, insistent buzzing that insiders refer to as "the Tesla hum," as small groups of employees gather around desks to collaborate. There are only two "traditional" enclosed offices in the building -- one belongs to Tesla's general counsel and the other belongs to Geshuri, who says he's "never in it." Everyone else, including Musk (who splits his time between Tesla and two other companies he's co-founded, space-transport company SpaceX and alternative-energy firm SolarCity), works in bullpen-style cubicle configurations with low walls that allow everyone to see everyone else.

"You'd be hard-pressed to pick out -- just by looking around the room -- who the vice presidents are and who everyone else is," says Nate Randall, Tesla's senior manager of global benefits and employee experience.

Office layouts such as Tesla's are common in the start-up space -- and traditional companies are starting to take notice, says Kathie Ross, executive vice president of Arlington, Va.-based Healthy Companies International.

"Removing a lot of the hierarchy and barriers to collaboration in the workplace -- it seems so elementary, but it has quite an impact," says Ross. "It really does begin to break down these value judgments about who's more important, who brings more value to the organization -- the visual impact is key."

Comfort with Ambiguity

Like other start-ups, Tesla tends to attract people who want to shake up the status quo, says Geshuri.

"Our company is very special and is very different from traditional automakers," he says. "Folks who want to be here want this innovation, they want more rapid iteration of ideas, they want rapid delivery. And this is the place for that. Other environments will not provide the same ecosystem."

It starts with the recruiting process, says Geshuri, who holds a master's degree in industrial and organizational psychology from San Jose State University and whose work experience includes stints at E-Trade Financial and Applied Materials, as well as Google.

"We look for a certain DNA in all of our candidates," he says. "They have to be innovative. They have to have done something extraordinary in their profession. We want people who have this go-get-'em, really self-initiating attitude."

Tesla wants people who have -- in whatever field they've worked in -- consistently tried to improve processes and push against the system, says Geshuri. It also wants people who've done something extraordinary in their career or personal life, whether it's winning a chess championship or being promoted multiple times in a short period, he says.

"Folks who are used to being told what to do, or who just want to do their jobs, are not the people we want," says Geshuri. "We're looking for people who are comfortable with ambiguity. We want people who are OK with not knowing what tomorrow may bring, but who know they want to be a part of it and that they're going to have the chance to shape it."

The company has a "very strong" employee-referral program for new hires that tracks how successful referrals are, who provides successful referrals and how long they stay with the company, he says. Employees are also encouraged to always be on the lookout for people who exhibit the talents and strengths that Tesla is looking for, he adds.

One of the most important recruiting dictums the company lives by is to not limit itself to "traditional" sources of talent, whether it be for engineering, IT or sales, says Geshuri.

Geshuri and his team have pushed the company to think "cross-industry" when it comes to staffing, he says. When Tesla was creating a robotics team, for example, the initial thought was to find talent at the traditional automakers and lure them to Tesla. "The staffing team challenged that -- they said, 'That might be one source of talent, but let's think more broadly: Let's go into the biotech space and find robotic-programming specialists who've built surgical equipment,'" he says. " 'Let's look at robotics competitions at colleges.'

"We went across different industries and disciplines and brought talent together," says Geshuri. "And that combination of thought and diversity of approach created the best robotics programming team in the world."

Geshuri took a similar approach in building his HR analytics team. (The fact that Geshuri is a big fan of HR analytics isn't surprising in light of his background at Google, where Chief People Officer Laszlo Bock has won acclaim for his department's pioneering use of analytics.) Analytics are a must at an engineering-focused company such as Tesla, he adds, where appealing to emotions instead of logic "is not going to work -- you need data."

"We focused on building out an HR analytics team with folks from various backgrounds like economi[sts], genetic[ist]s, statisticians and actuaries to ensure we had this amazing group of people that could help us capture all the people information in the company and help us to support the other functions," he says.

This mind-set extends to benefits as well, says Randall.

"I'm not going to go out and hire a benefits analyst who has 15 or 20 years of experience doing traditional benefits work -- we're challenged to do things differently here, so if I'm going to create a health program, I want somebody who's passionate about health," he says. "It doesn't really matter if they've done that particular work before or not."

Because it's a start-up in the capital-intensive automobile industry, Tesla has less money to spend at the moment on the sort of lavish perks and benefits found at large Silicon Valley companies such as Google and Facebook, says Randall. This means the company has to be creative in stretching its limited resources to provide innovative benefits that employees value -- such as a program that pays employees \$5 a day to ride their bicycles to work, he says.

Learning agility and strong interpersonal skills are key qualities for working at a company such as Tesla, says Damon.

"Like other Silicon Valley companies, [its] org chart looks more like a jungle gym than a ladder, so the way things get done at companies like these is through influence and relationships, and not with title and rank," he says. "If you're a structure freak and require a playbook, you're going to crash and burn."

No Chain of Command

Tesla wants new hires to know that it does things differently right from the get-go -- and that starts with the employee handbook. Referred to within the company as the "anti-handbook handbook," it consists of four short pages written in an informal, conversational style that explain the company's philosophy.

Here's how it describes Tesla's attendance policy, for example: "If you're the kind of person who holds yourself to the highest standards, our 'attendance policy' is exactly what you'd expect it to be: Be the kind of person your team can rely on. Be here when you're supposed to be here. We need you. We can't get things done when you're not here."

As Director of Training Beth Davies puts it, "an employee handbook is usually a missed opportunity at most companies, and we didn't want to miss that opportunity; we took our handbook from being 57 pages filled with policy mumbo-jumbo and boiled it down to just over three pages that truly capture what we care about here."

The handbook was created by a group of employees from the legal, HR, security and environmental-health-and-safety departments, and was then reviewed by randomly selected employees from the factory and company stores to get their input.

"The idea is to, in just a few pages, be really clear and really transparent about who we are and what it takes to be successful here," says Davies.

New hires are also informed that the traditional command-and-control model found elsewhere doesn't fly at Tesla.

"We are not a company that believes in following the chain of command -- and you can see the shock and delight in people's faces when we tell them that," says Davies, "because they've been in organizations that have chains of command and they'll tell you how it stifles their creativity or makes them feel like they're a cog in a machine."

This philosophy comes straight from Elon Musk: Anybody at Tesla can and should feel perfectly comfortable emailing or talking to anybody else -- including Musk himself -- about a problem they've encountered and what they think the best and fastest way to solve it is, says Davies.

In a few cases, the company has even had to remove managers who privately insisted to their employees that they bring any problems or issues to them first, she says.

Regular, open communication is a priority at Tesla, says Geshuri. Ironically, the importance of this was reinforced for him when he worked as a consultant for New United Motor Manufacturing Inc. -- the GM-Toyota partnership that previously occupied Tesla's Fremont auto plant. The assignment included interviewing workers at the plant to get their thoughts on how to create a better work environment.

The workers told Geshuri that they didn't feel a connection with the company and wanted to be able to step outside the chain of command and voice their opinions.

"I realized how important it is for every single employee to feel connected and to have a philosophy of open communication and to feel you're part of a company that cares about you," he says.

Along these lines, Tesla has created an "Answer Bar" at its Fremont factory -- similar to the Genius Bar found in Apple's retail stores -- in which employees can walk up to HR staffers and get answers to any questions they may have about their benefits or the company and also provide feedback, says Geshuri.

The Answer Bar is staffed during all work shifts with at least two HR staffers, and also has computers for employees to use as well as couches and lounge chairs.

"We do conduct engagement surveys here, but sometimes we don't want to wait for surveys because they're a snapshot in time -- we like this ongoing iteration and constant connection," says Geshuri. "Surveys are kind of impersonal -- so are suggestion boxes. You want somebody to talk to."

When Tesla rolls out new initiatives, hundreds of employees will come to the Answer Bar to provide feedback, he says. "We don't have to wait for the next survey in another two quarters to make changes," Geshuri adds.

The company also makes extensive use of video for training and orientation, says Davies.

"Rather than build training based [on] 100 years of training history, we've framed it as, 'What if training was a totally new function being started today: What would it look like?' " says Davies. "And for millennials -- and everybody else, in fact -- the ideal training function would be heavy on media, heavy on video, heavy on shorter segments and heavy on just-in-time."

This approach includes a pilot program in which factory employees can scan QR codes with their smart phones next to their workstations to view short video tutorials by subject-matter experts on job-related tasks, Davies says. This way, she adds, employees don't have to be pulled off their jobs for traditional classroom training.

"We want every single point of training, recruiting -- anything -- here at Tesla to have a phenomenal employee experience," says Geshuri.

When asked to describe his most important "lesson learned" during his time at Tesla, he says this:

"HR has to have people who can look at the organization and understand what needs to be implemented at the right time, to provide really good analytics and really good, sound advice and help the company understand itself as it's maturing through its different phases. When you're providing such a great complementary value, the sky's the limit for an HR team."

Read also:

[Comparing the Automakers](http://magcdn.lrp.com/MAGDATA/servlet/DataServlet?fname=140718Sidebar_PoweringAREvolution.pdf) (http://magcdn.lrp.com/MAGDATA/servlet/DataServlet?fname=140718Sidebar_PoweringAREvolution.pdf)

Jul 21, 2014

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Investors

Code of Business Conduct and Ethics

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(As last revised on December 12, 2017)

► Introduction

Tesla aspires to be a “do the right thing” company – in other words, engaging in conduct that your family would be proud of. That higher principle, if followed correctly, pretty much takes care of this whole topic. That said, this Code of Business Conduct and Ethics sets out basic principles that should help anyone working at or for Tesla avoid even the appearance of improper behavior.

This Code does not cover every issue that may arise, and represents the minimum baseline of acceptable business conduct and ethics at Tesla. Certain job functions and departments at Tesla, or those dealing with unique work situations such as transactions with governments, may be required to follow even stricter policies. Tesla also has a number of other policies for specific business and administrative situations, such as the proper handling of travel and other expenses, that you should also familiarize yourself with and follow. If a law conflicts with a policy in this Code, follow the law. If you have questions about the policies that may apply to you or any potential conflicts with the law, please ask your manager or supervisor or Tesla’s Legal Department for guidance.

Anyone who violates this Code or any other applicable standards of his or her position will be subject to disciplinary action, potentially including termination. If you are in a situation which you believe may violate or lead to a violation of such standards, follow the guidelines described in Section 15 of this Code.

► 1. Compliance with Laws, Rules and Regulations

Obeying the law, both in letter and in spirit, is the foundation on which this Company's ethical standards are built. You must respect and obey the laws of the places where we operate. Although you are not expected to know the details of these laws, it is important to know enough to determine when to seek advice from supervisors, managers or other appropriate personnel.

If requested, Tesla will hold information and training sessions to promote compliance with laws, rules and regulations that apply to you.

► 2. Conflicts of Interest

A “conflict of interest” exists when a person's private interest interferes, or appears to interfere, with Tesla’s interests. It can happen when someone is in a situation that may make it difficult to perform their Tesla work objectively and effectively, or when their position at Tesla results in improper personal benefits for them or their family.

Some examples of actual or potential conflicts of interest include:

Tesla loaning money to, or guaranteeing obligations of, Tesla personnel or their family members;

Working as an employee, consultant, or director for a Tesla competitor, customer or supplier; or

A romantic or other personal relationship between co-workers when one person is able to influence employment decisions or other benefits affecting the other.

With that in mind, do not give, receive or request preferential treatment for yourself, your family or others who are close to you, and avoid situations that would raise the suspicion of preferential treatment. This applies to product purchases, hiring, promoting, selecting contractors or suppliers, and any other business matter. Moreover, the best policy is to avoid any direct or indirect business connection with our customers, suppliers or competitors, except on our behalf.

Conflicts of interest are strictly prohibited except under guidelines approved by the Board of Directors. Conflicts of interest may not always be clear-cut, so if you have a question or believe that you know of an actual or potential conflict, you should bring it to the attention of a supervisor, manager or other appropriate personnel and/or consult the procedures described in Section 15 of this Code.

► 3. Insider Trading

You must not use or share any Tesla confidential information for any purpose except the conduct of Tesla business. All non-public information about Tesla should be considered confidential information. Using non-public information for securities trading or other personal financial benefit or to “tip” others who might do so is illegal. For example, never buy or sell Tesla stock, or that of any company (such as a vendor, partner or supplier), when you are aware of information that has not been publicly disclosed and such information could have a material effect on the value of the stock. You should consult Tesla’s Insider Trading Policy, which is specifically designed to help you navigate these issues, before engaging in any activities relating to Tesla’s securities. If you have any questions, please consult Tesla’s Legal Department.

► 4. Corporate Opportunities

You may not use Tesla’s property or information or your position at Tesla for improper personal gain, or compete directly or indirectly with Tesla, including by taking for yourself opportunities that you discover through Tesla. Instead, Tesla expects you to advance Tesla’s legitimate interests. For example, you shouldn’t take a business plan or opportunity that you learned about at Tesla and use it for your own personal gain, such as by starting a business that competes with Tesla.

► 5. Competition and Fair Dealing

Tesla seeks to compete fairly and honestly, and you should deal fairly and respectfully with Tesla's customers, suppliers and competitors. Stealing or otherwise taking proprietary or trade secret information without the owner's consent is prohibited. You should not take advantage of anyone through unfair dealing practices such as:

manipulation;
abuse of privileged information,
misrepresentation of material facts,
collusion with competitors on pricing and other terms,
violating fair bidding practices including bidding quiet periods, or
providing information to benefit one vendor over others.
Such practices may also be illegal.

► 6. Gifts, Payments, Donations or the Exchange of Anything of Value

The purpose of business entertainment and gifts with customers, suppliers or other business partners (see the following paragraph for standards relating to interactions with government or political personnel) is to create good will and good working relationships, not to gain improper advantage. Gifts or entertainment are improper, even if merely offered or requested, unless they:

1. are not in cash or equivalent to cash;
2. are consistent with customary business practices,
3. are not excessive in value,
4. cannot be seen as a bribe or payoff; and
5. do not violate the law.

Please discuss with the Legal Department any gifts of significant value or which you are not certain are appropriate.

More stringent standards apply to business dealings with government personnel or candidates for political office. The U.S. Foreign Corrupt Practices Act prohibits giving anything of value, directly or indirectly, to officials of foreign governments or foreign political candidates in order to obtain or retain business. "Anything of value" includes not only traditional gifts, but also things like meals, entertainment, travel, political donations, charitable contributions, and job offers for such individuals' relatives. Foreign laws may also make such gifts illegal, and you obviously should not make illegal payments to government officials of any country. In the U.S., there are a number of laws and regulations about business gifts which may be accepted by government personnel. Offering or giving to an official or employee of any level of the government in the U.S. a gift or other benefit in violation of those rules is strictly prohibited by this Code, and could also be a criminal offense. Any Tesla employee who interacts with government personnel or

deals with government contracts should review Tesla's Worldwide Bribery and Anti-Corruption Policy and periodically undergo specialized training. Additionally, Tesla's Legal Department can provide guidance to you in this area.

► 7. Discrimination and Harassment

The diversity of Tesla's employees is a tremendous asset. We are firmly committed to providing equal opportunity in all aspects of employment and do not tolerate discrimination or harassment, including on the basis of race, color, religion, veteran status, national origin, ancestry, pregnancy status, sex, gender identity or expression, age, marital status, mental or physical disability, medical condition, sexual orientation, or any other characteristics protected by law, as well as any unwelcome physical or verbal advances. Please be aware that discrimination and harassment may take any form—verbal, physical or visual—and includes slang or joking in ways that may be offensive to others, as well as bullying. Tesla insists that you do what you can to stop others from engaging in such behavior, and prohibits retaliation against anyone who makes a good-faith complaint or participates in an investigation of such a complaint.

► 8. Health and Safety

Tesla strives to provide each employee with a safe and healthy work environment. Our goal is to have as close to zero injuries as humanly possible and to have the safest factories in the auto industry. We will get there by continuing to ask our employees to raise safety concerns and to keep proposing ideas that make things even better. Tesla also asks that you do your part by following safety and health rules and practices and reporting (either openly or confidentially) accidents or any unsafe equipment, behavior (such as use of illegal drugs) or conditions to your manager, supervisor, Human Resources or the Legal Department.

Violence and threatening behavior are not permitted, and under no circumstances should you bring a weapon to work. Employees should report to work without being under the influence of illegal drugs or alcohol. The use of illegal drugs in the workplace will not be tolerated. For more information regarding Tesla's approach to substance abuse and testing, please review Tesla's Substance Abuse and Testing Policy.

► 9. Record-Keeping

Tesla requires accurate reporting of information in order to make responsible business decisions. For example, only the true and actual number of hours worked should be reported.

Many employees regularly use business expense accounts, which must be documented and recorded accurately. If you are not sure whether a certain expense is legitimate, ask your supervisor.

All of Tesla's books, records, accounts and financial statements must be maintained in reasonable detail, must appropriately reflect Tesla's transactions and must conform both to legal requirements and to Tesla's

system of internal controls. Unrecorded or “off the books” funds or assets should not be maintained unless permitted by law or regulation.

Business records and communications often become public, and we should be careful to be accurate and thoughtful in what we say to avoid misunderstandings. This applies equally to e-mail, internal memos, and formal reports. Records should always be retained or destroyed according to Tesla's record retention policies. In accordance with those policies, if requested by the Legal Department to retain records, do so until the Legal Department tells you retention is no longer necessary.

► 10. Confidentiality

When you joined Tesla, you signed an “Employee Non-Disclosure and Inventions Assignment Agreement” that requires you to not share (which includes sharing on social media, or with non-Tesla people who are close to you) any “trade secrets” or “confidential business information” (see below) or products of Tesla, or any manufacturing process, research or development entrusted to you by Tesla or its customers, except when disclosure is authorized by the Legal Department or required by laws or regulations. For this reason, and to prevent disruptions to the manufacturing process, taking photos or recording video is prohibited in all work areas, or areas where work processes are visible, inside any of Tesla’s facilities.

As used in this Code:

“Trade secrets” relate to information that Tesla maintains as secret, private and internal use because such information is valuable not only to Tesla but also to its actual or potential competitors. They include things, processes or methods that are Tesla secrets — they are not generally known or easy for others to figure out through appropriate, legal means. Examples of trade secrets may include information on our research and development, inventions, products, machines, equipment, production process, manufacturing process, engineering process, software development, systems development or our business processes.

“Confidential business information” includes, but is not limited to, non-public financial data, such as estimates of financial performance; sensitive business information, such as marketing strategies, product launches, and pricing policies; plans for buying or selling of corporate assets; information about customers; and Tesla’s attorney-client communications or other internal business-related confidential communications.

The obligation to preserve “trade secrets” and “confidential business information” continues even after your relationship with Tesla ends. You should never provide or receive “trade secrets” or “confidential business information” to or from another company or other third party without first ensuring that a current and appropriate non-disclosure agreement is in effect with such other party. If you are unsure whether such an agreement exists, please consult with the Legal Department.

Additionally, you should review Tesla’s Communication Policy so that you are familiar with Tesla’s social media guidelines, media relations and marketing guidelines, and the circumstances and the extent to which individuals are allowed to speak on Tesla’s behalf. Tesla will not construe or apply this Policy in a manner that prevents employees from communicating about wages, hours or other terms and conditions of employment.

► 11. Protection and Proper Use of Tesla Assets

You should protect Tesla's assets and ensure their efficient use. Such protection includes properly securing, labeling and (when appropriate) disposing of confidential material. Theft, carelessness, and waste have a direct impact on Tesla's financial condition. Any suspected incident of fraud or theft should be immediately reported for investigation. Tesla assets and equipment, including Tesla-owned vehicles, should not be used for non-Tesla business, though incidental personal use may be permitted.

The obligation of employees to protect Tesla's assets includes its proprietary information, examples of which include "trade secrets" and "confidential business information" (see Section 10 of this Code), as well as other intellectual property such as patents, trademarks and copyrights. Unauthorized use or distribution of this information would violate Tesla policy. It could also result in civil and/or criminal penalties.

➤ 12. Money Laundering / Suspicious Activities

Money laundering (i.e., using transactions to conceal the illegal source of funds or make such funds look legitimate) is strictly prohibited. Any suspicious activity that you believe involves money laundering should be reported to the Legal Department, Internal Audit or the Integrity Line available on Tesla's intranet website). Here are some examples of suspicious activity:

Large payments in cash;

Payments made in currencies atypical given the circumstances or differing from what is listed in the contract;

Requests for payment amounts that differ from what is required in the contract; or

Payments made by someone or a company that is not party to the contract.

➤ 13. Waivers of the Code of Business Conduct and Ethics

Any waiver of this Code for executive officers or directors may be made only by the Board of Directors and will be promptly disclosed, along with the reasons for the waiver, as required by law or stock exchange regulation.

▼ 14. Reporting any Illegal or Unethical Behavior

Employees are encouraged to talk to supervisors, managers or other appropriate personnel about illegal or unethical behavior and when in doubt about the best course of action in a particular situation. Depending on the situation, you may also contact the Legal Department, the Internal Audit or Human Resources teams or the Integrity Line available on Tesla's intranet website.

Tesla does not allow retaliation for reports of misconduct by others made in good faith by employees. Employees are expected to cooperate in internal investigations of misconduct. Any employee may submit a good faith concern regarding questionable accounting or auditing matters without fear of dismissal or retaliation of any kind.

► 15. Your Responsibilities

We must all work to ensure prompt and consistent action against violations of this Code. However, in some situations it is difficult to know if a violation has occurred. Since we cannot anticipate every situation that will arise, it is important that we have a way to approach a new question or problem. These are the steps you should keep in mind:

Make sure you have all the facts. In order to reach the right solutions, we must be as fully informed as possible.

Ask yourself: What specifically am I being asked to do? Does it seem unethical or improper? This will enable you to focus on the specific question you are faced with, and the alternatives you have. Use your judgment and common sense; if something seems unethical or improper, it probably is.

Clarify your responsibility and role. In most situations, there is shared responsibility. Are your colleagues informed? It may help to get others involved and discuss the problem.

Discuss the problem with your manager or supervisor. This is the basic guidance for all situations. In many cases, your manager or supervisor will be more knowledgeable about the question, and will appreciate being brought into the decision-making process. Remember that it is your manager's or supervisor's responsibility to help solve problems.

Seek help from Tesla resources. In the rare case where it may not be appropriate to discuss an issue with your manager or supervisor, or where you do not feel comfortable approaching your manager or supervisor with your question, discuss it with your Human Resources manager, the Legal Department or Internal Audit or contact Tesla via the Integrity Line available on Tesla's intranet website) instead.

Speak up. You may report ethical violations in confidence and without fear of retaliation. If your situation requires that your identity be kept secret, your anonymity will be protected. Tesla does not permit retaliation of any kind against employees for good faith reports of ethical violations.

Always ask first, act later: If you are unsure of what to do in any situation, please seek guidance from your manager, Human Resources or other sources of information and support before you act.

► Code of Ethics for CEO and Senior Financial Officers

The above Code of Business Conduct and Ethics applies to all directors and employees of Tesla. The CEO and all senior financial officers, including the CFO and principal accounting officer, are bound by the provisions set forth therein relating to ethical conduct, conflicts of interest and compliance with law. In addition to the Code of Business Conduct and Ethics, the CEO and senior financial officers are subject to the following additional specific policies:

- (1) The CEO and all senior financial officers are responsible for full, fair, accurate, timely and understandable disclosure in the periodic reports required to be filed by Tesla with the SEC. Accordingly, it is the responsibility of the CEO and each senior financial officer promptly to bring to the attention of the Disclosure Committee any material information of which he or she may become aware that affects the disclosures made by Tesla in its public filings or otherwise assist the Disclosure Committee in fulfilling its responsibilities as specified in Tesla's Disclosure Controls and Procedures Policy.

(2) The CEO and each senior financial officer shall promptly bring to the attention of the Disclosure Committee and the Audit Committee any information he or she may have concerning (a) significant deficiencies in the design or operation of internal controls which could adversely affect Tesla's ability to record, process, summarize and report financial data or (b) any fraud, whether or not material, that involves management or other employees who have a significant role in Tesla's financial reporting, disclosures or internal controls.

(3) The CEO and each senior financial officer shall promptly bring to the attention of the General Counsel or the Legal Department or the CEO and to the Audit Committee any information he or she may have concerning any violation of Tesla's Code of Business Conduct and Ethics, including any actual or apparent conflicts of interest between personal and professional relationships, involving any management or other employees who have a significant role in Tesla's financial reporting, disclosures or internal controls.

(4) The CEO and each senior financial officer shall promptly bring to the attention of the General Counsel or the Legal Department or the CEO and to the Audit Committee any information he or she may have concerning evidence of a material violation of the securities or other laws, rules or regulations applicable to Tesla and the operation of its business, by Tesla or any agent thereof, or of violation of the Code of Business Conduct and Ethics or of these additional procedures.

(5) The Board of Directors shall determine, or designate appropriate persons to determine, appropriate actions to be taken in the event of violations of the Code of Business Conduct and Ethics or of these additional procedures by the CEO and Tesla's senior financial officers. Such actions shall be reasonably designed to deter wrongdoing and to promote accountability for adherence to the Code of Business Conduct and Ethics and to these additional procedures, and shall include written notices to the individual involved that the Board has determined that there has been a violation, censure by the Board, demotion or re-assignment of the individual involved, suspension with or without pay or benefits (as determined by the Board) and termination of the individual's employment. In determining what action is appropriate in a particular case, the Board of Directors or such designee shall take into account all relevant information, including the nature and severity of the violation, whether the violation was a single occurrence or repeated occurrences, whether the violation appears to have been intentional or inadvertent, whether the individual in question had been advised prior to the violation as to the proper course of action and whether or not the individual in question had committed other violations in the past.



Printed
Materials



Email
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RSS



Print



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Exhibit

D

Tesla Factory



Tesla's factory in Fremont, California is one of the world's most advanced automotive plants, with 5.3 million square feet of manufacturing and office space on 370 acres of land. Following the City of Fremont's approval of Tesla's expansion plans in 2016, the company will nearly double the size of the facility to almost 10 million square feet, creating thousands of new jobs in the coming years.

Today, more than 10,000 employees work at the Fremont factory. Prior to Tesla, the facility was home to General Motors from 1962 to 1982, then GM and Toyota's New United Motor Manufacturing, Inc (NUMMI) from 1984 until the partnership ended in 2009. Tesla purchased the facility in 2010 and extensively remodeled it before the first Model S rolled off the line in June 2012. To brighten what was once a dark, enclosed space, Tesla added skylights to provide workers with natural light and painted the floors with white epoxy to create a clean work environment. The facility also features an employee training center, cafeteria and food trucks, gym, 24/7 in-house medical center, and outdoor patios.

As one of the largest manufacturing employers in California, Tesla stimulated \$5.5 billion in sales activity and generated \$4.1 billion in direct spending in the state in Fiscal Year 2017 alone. The same year, Tesla also created 51,000 jobs in California, including our employees and jobs throughout our supply chain. To support the ramp of vehicle production, Tesla is focused on ensuring its workforce is trained in the advanced skills unique to Tesla's production processes, while taking a proactive approach to safety. The result is that while production has increased, we've also seen our safety record improve dramatically.

As Tesla continues to deliver more and more vehicles to customers around the world, we always aim for the highest possible level of vehicle craftsmanship, with every Model S, Model X and Model 3 built in Fremont, where the vast majority of the vehicle's components are also made.



Map of the facilities at the Tesla Factory in Fremont, California

Tags: [Factory](#)

Next: [Tesla Gigafactory](#)

SHARE  

Exhibit

E



Lawrence A. Organ, Esq.
Navruz Avloni, Esq.
Julianne K. Stanford, Esq.
Cimone Nunley, Esq.

Via Electronic Mail

October 31, 2019

Tracey Kennedy
Patricia Jeng
Reanne Swafford-Harris
Sheppard Mullin
333 South Hope Street
43rd Floor
Los Angeles, CA 90071

Re: *Demetric Di-az, et al. v. Tesla, Inc., et al.*
Case No. 17-cv-06748-SK
Confidential Designations of Deposition Exhibits 186-193

Dear Reanne,

I write to follow up on our conversation yesterday evening. When you are conferring with your client about the documents we seek to use in opposition to your Motion for Summary Adjudication and at trial, please include a request for de-designation for exhibits 186-193 which were used at the Erin Marconi and Andres Donet depositions. These pages were previously identified in my letters from October 19 and October 22. Again, these challenges are pursuant to Provision 6.2 of the Stipulation and Protective Order signed by the Court on June 18, 2018. Plaintiffs hereby challenge the confidentiality designations of the documents produced in discovery by Defendant Tesla because in contravention of Section 5.1, Defendant designated almost all documents confidential without considering the nature of the documents being produced. Plaintiffs do not believe that these documents qualify as a “trade secret or other confidential research, development, or commercial information” as required by FRCP 26(c)(1)(G) nor are they privileged. More specifically, Plaintiffs challenge Defendant Tesla’s designation of various documents used by Plaintiffs at deposition on the following bases (Note: Depo Exhibit Number refers to the Plaintiffs’ Exhibit numbers used in depositions taken by Plaintiffs’ counsel; “T” refers to documents Bates Stamped “Tesla *****”):

Depo. Exhibit #	Bates Number	Date	Subject	Reason Confidentiality is Challenged
186	T971	2017.04.13	Email from Brandi To re Titus McCaleb Incident Report	This is not the type of document that qualifies under FRCP26(c)(1)(G) and they are merely routine business documents not privileged

187	T906	2015.12.30	Ed Romero Email re complaint about use of N-Word	This is not the type of document that qualifies under FRCP26(c)(1)(G) and they are merely routine business documents not privileged
188	T916-918	2016.04.29	Email from Arturo Esquer and others re Use of N-Word on Model S Dashboard	This is not the type of document that qualifies under FRCP26(c)(1)(G) and they are merely routine business documents not privileged
189	T1006-1009	2015.12.16	Email from Joshua Mantz and others re investigation into N-word complaint	This is not the type of document that qualifies under FRCP26(c)(1)(G) and they are merely routine business documents not privileged
190	T471-472	2015.10.20	Operational Meeting Minutes	This is not the type of document that qualifies under FRCP26(c)(1)(G) and they are merely routine business documents not privileged
192	T911-913	2016.04.29	Al Franco Email re Potential People for Harassing Act	This is not the type of document that qualifies under FRCP26(c)(1)(G) and they are merely routine business documents not privileged
193	T1003-1005	2016.05.21	Email from Andres Donet and others relating to Graffiti in Bathroom	This is not the type of document that qualifies under FRCP26(c)(1)(G) and they are merely routine business documents not privileged

If you feel we need to engage in further meet and confer on these matters in addition to our meeting yesterday, I am happy to do so. Please note that based on my prior letters, I believe the 14-day period required by our protective order has already started with respect to these exhibits.

Sincerely,



Larry Organ

Exhibit

F



Cimone Nunley <cimone@civilrightsca.com>

Diaz - Further Meet & Confer re Confidential Designations

7 messages

Larry Organ <larryaorgan@gmail.com>

Thu, Oct 31, 2019 at 1:05 PM

To: Reanne Swafford-Harris <RSwafford-Harris@sheppardmullin.com>

Cc: Tracey Kennedy <TKennedy@sheppardmullin.com>, Patricia Jeng <PJeng@sheppardmullin.com>, Navruz Avloni <navruz@civilrightsca.com>, Cimone Nunley <cimone@civilrightsca.com>, Sabrina Grislis <sabrina@civilrightsca.com>, Bernard Alexander <balexander@akgllp.com>

Reanne,

Please find attached a follow up letter regarding our meet and confer efforts regarding your client's confidential designations.

Sincerely,

Larry



Lawrence A. Organ


332 San Anselmo Avenue

San Anselmo, CA 94960

(415)453-4740 phone

(415)785-7352 fax

www.civilrightsca.com

 **2019.10.31 Diaz - Tesla - Confidential designations.pdf**
227K

Reanne Swafford-Harris <RSwafford-Harris@sheppardmullin.com>

Thu, Oct 31, 2019 at 5:11 PM

To: Larry Organ <larryaorgan@gmail.com>

Cc: Tracey Kennedy <TKennedy@sheppardmullin.com>, Patricia Jeng <PJeng@sheppardmullin.com>, Navruz Avloni <navruz@civilrightsca.com>, Cimone Nunley <cimone@civilrightsca.com>, Sabrina Grislis <sabrina@civilrightsca.com>, Bernard Alexander <balexander@akgllp.com>

Larry,

As discussed, we are agreeable to re-designating Owen's personal documents as non-confidential, specifically TESLA_412-421; TESLA_3; and TESLA_63-65. We disagree with your general assertion that the remaining documents are not confidential and not entitled to special protection from public disclosure.

Notwithstanding, yesterday we discussed our desire to avoid motion practice and we are still hoping to do so, if possible. We understand from yesterday's meet and confer that you intend to use the documents in dispute at trial. Per the Parties' June 2018 Stipulated Protective Order, a separate order will govern their use however, not the present Order. "Protected Material at trial shall be governed by a separate agreement or order" (see Order, Section 3). Thus, engaging in motion practice pursuant to the Order for purposes of de-designating these documents for use in trial, is unnecessary.

Likewise and as also discussed, any motion practice would not be ruled on prior to the parties briefing on the motions for summary judgment. As such, we would like to focus on a compromise that will allow Plaintiff to use the documents at trial in

lieu of additional motion practice.

Please let us know you are agreeable to the Parties stipulating to a separate order governing the use of documents at trial as provided for in the Protective Order.

Best,

Reanne Swafford-Harris | Associate
SheppardMullin | San Francisco
+1 415-774-2909 | ext. 12909

From: Larry Organ <larryaorgan@gmail.com>
Sent: Thursday, October 31, 2019 1:06 PM
To: Reanne Swafford-Harris <RSwafford-Harris@sheppardmullin.com>
Cc: Tracey Kennedy <TKennedy@sheppardmullin.com>; Patricia Jeng <PJeng@sheppardmullin.com>; Navruz Avloni <navruz@civilrightsca.com>; Cimone Nunley <cimone@civilrightsca.com>; Sabrina Grislis <sabrina@civilrightsca.com>; Bernard Alexander <balexander@akgllp.com>
Subject: Diaz - Further Meet & Confer re Confidential Designations

Reanne,

Please find attached a follow up letter regarding our meet and confer efforts regarding your client's confidential designations.

Sincerely,

Larry



Lawrence A. Organ
332 San Anselmo Avenue
San Anselmo, CA 94960
(415)453-4740 phone
(415)785-7352 fax
www.civilrightsca.com

Attention: This message is sent by a law firm and may contain information that is privileged or confidential. If you received this transmission in error, please notify the sender by reply e-mail and delete the message and any attachments.

Larry Organ <larryaorgan@gmail.com>

Thu, Oct 31, 2019 at 5:22 PM

To: Reanne Swafford-Harris <RSwafford-Harris@sheppardmullin.com>

Cc: Tracey Kennedy <TKennedy@sheppardmullin.com>, Patricia Jeng <PJeng@sheppardmullin.com>, Navruz Avloni <navruz@civilrightsca.com>, Cimone Nunley <cimone@civilrightsca.com>, Sabrina Grislis <sabrina@civilrightsca.com>, Bernard Alexander <balexander@akgllp.com>

Reanne,

Please send me a draft of what you are proposing.

Larry



Lawrence A. Organ
332 San Anselmo Avenue
San Anselmo, CA 94960
(415)453-4740 phone
(415)785-7352 fax
www.civilrightscs.com

[Quoted text hidden]

Reanne Swafford-Harris <RSwafford-Harris@sheppardmullin.com>

Fri, Nov 1, 2019 at 2:33 PM

To: Larry Organ <larryaorgan@gmail.com>

Cc: Tracey Kennedy <TKennedy@sheppardmullin.com>, Patricia Jeng <PJeng@sheppardmullin.com>, Navruz Avloni <navruz@civilrightscs.com>, Cimone Nunley <cimone@civilrightscs.com>, Sabrina Grislis <sabrina@civilrightscs.com>, Bernard Alexander <balexander@akgllp.com>

Larry,

As a follow-up to our call this afternoon, please see below for the list of documents you intend to use in your Opposition to the MSJs, identified by deposition exhibit number. As discussed, we will confer with our client regarding de-designation for Plaintiffs' Opposition in response to our Motion for Summary Judgment. We agreed to get back to you, at latest, November 13, 2019 so that you will have sufficient time to prepare the Motion to Seal if we do not come to an agreement.

This email will also confirm our stipulation to extend our motion deadline in response to your October 16, 19, and 22nd designation challenges, to November 13th as well.

Document Deposition Numbers:

1. 5
2. 25-28
3. 29-33
4. 35-39
5. 41-49
6. 50-52
7. 54-58
8. 59-62
9. 65
10. 67
11. 71-73
12. 78-79
13. 80 (*duplicate*)
14. 81
15. 83
16. 93
17. 95-97
18. 100
19. 116-117
20. 118-126
21. 127-134
22. 137-139
23. 142
24. 144-146
25. 147-151 (*potential duplicates*)
26. 152-153

- 27. 155-156
- 28. 157-162
- 29. 165
- 30. 183
- 31. 185
- 32. 186-190
- 33. 192-193

[Quoted text hidden]

Larry Organ <larryaorgan@gmail.com>

Fri, Nov 1, 2019 at 3:45 PM

To: Reanne Swafford-Harris <RSwafford-Harris@sheppardmullin.com>

Cc: Tracey Kennedy <TKennedy@sheppardmullin.com>, Patricia Jeng <PJeng@sheppardmullin.com>, Navruz Avloni <navruz@civilrightsca.com>, Simone Nunley <simone@civilrightsca.com>, Sabrina Grislis <sabrina@civilrightsca.com>, Bernard Alexander <balexander@akgllp.com>

In light of our MSJ opposition deadline of 11/19, would you also agree to give us three weeks to oppose motion for protective order?

Larry



Lawrence A. Organ
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San Anselmo, CA 94960
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www.civilrightsca.com

[Quoted text hidden]

Reanne Swafford-Harris <RSwafford-Harris@sheppardmullin.com>

Thu, Nov 7, 2019 at 6:19 PM

To: Larry Organ <larryaorgan@gmail.com>

Cc: Tracey Kennedy <TKennedy@sheppardmullin.com>, Patricia Jeng <PJeng@sheppardmullin.com>, Navruz Avloni <navruz@civilrightsca.com>, Simone Nunley <simone@civilrightsca.com>, Sabrina Grislis <sabrina@civilrightsca.com>, Bernard Alexander <balexander@akgllp.com>

Hi Larry,

We mentioned the briefing issue on our call and thought your position was that there was no benefit to your client to wait on the motion briefing. We're fine with extending Plaintiff's time to respond to three weeks, but would like a reciprocal extension to file a reply of at least one extra week (Plaintiff's Opposition would also be filed while we are preparing our Reply to the MSJ). That schedule would probably jam the court up, with only one day to review. The next two Wednesdays are Christmas Day and New Year Day. We're open to other suggestions, but we'd propose the following schedule if we cannot come to an agreement:

Option for Proposed Schedule:

11/18 file

12/9 opposition (three weeks for Plaintiff)

12/23 reply (two weeks for Defendant)

1/8 hearing

Let us know if you agree.

Thanks,

[Quoted text hidden]

Cimone Nunley <cimone@civilrightsca.com>

Fri, Nov 8, 2019 at 10:12 AM

To: Reanne Swafford-Harris <RSwafford-Harris@sheppardmullin.com>

Cc: Larry Organ <larryaorgan@gmail.com>, Tracey Kennedy <TKennedy@sheppardmullin.com>, Patricia Jeng <PJeng@sheppardmullin.com>, Navruz Avloni <navruz@civilrightsca.com>, Sabrina Grislis <sabrina@civilrightsca.com>, Bernard Alexander <balexander@akgllp.com>

Hi, Reanne,
We'll agree to your proposed schedule.

Warm regards,

Cimone Nunley
Associate Attorney
Preferred Pronouns: She/Her/Hers



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SJ: (408) 471-6914
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www.CivilRightsCA.com

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